

**Minutes of the PUBLIC MEETING
of
THE OFF-HIGHWAY VEHICLE ADVISORY GROUP
(OHVAG)
of**

THE ARIZONA STATE PARKS BOARD

**August 19th, 2011, at the Arizona State Parks Board Room,
1300 W. Washington St., Phoenix, AZ at 1:00 p.m.**

AGENDA

(The Chair reserves the right to set the order of the agenda.)

A. CALL TO ORDER AND ROLL CALL Chair Savino called the meeting to order at 1pm.

B. INTRODUCTION OF MEMBERS AND STAFF

Present: Chair Savino, Pete Pfeifer, Thomas McArthur, Bill Nash, Hank Rogers, Dave Moore, Don French

Guests who chose to identify themselves: Myron McCoy, BLM-Lake Havasu FO; Jeff Gursh, AZ Trail Riders; Bill Gibson, BLM-State Office; Jen House, BLM-Colorado River DO

ASP Staff: Doris Pulsifer, Jay Ziemann, Joy Hernbrode, Robert Baldwin

1. OHVAG Chair (or designee) will read mission statements:

- a. The Statewide OHV Program Mission is to develop and enhance statewide off-highway vehicle recreation opportunities, and develop educational programs that promote resource protection, social responsibility, and interagency cooperation.**
- b. The OHV Ambassador Program is a partnership of agencies and volunteers dedicated to enhancing motorized recreation opportunities and management in Arizona.**

C. ACTION ITEMS

1. Approval of Minutes from the May 20, 2011, OHVAG meeting.

Moved by Rogers, second by Pfeifer – approved unanimous

2. Approval of Minutes from June 3, 2011, OHVAG meeting.

Moved by Rogers, second by Pfeifer – approved unanimous

3. Disclosure of communications outside of a meeting. - Although no decisions were made by OHVAG outside of a public meeting, communications occurred between OHVAG members that should have taken place at an open meeting. Therefore, OHVAG wishes to ratify and make available to the public the communications in question. A detailed written description of the action to be ratified is attached to this agenda.

Hernbrode – This is appropriate action for this breach of the Open Meeting Law based on the content of the email discussion. It is important to avoid advocating a position to the

group, such as “I think we ought to....”, “I think this is a good idea”. The best way for any member of the group to distribute general information to the Group is to send it to Staff and have them send it out.

Savino asked Hernbrode to explain the implications of what was done by sharing responses to the emails with the whole Group.

Hernbrode explained that a violation may have occurred because the responses could be interpreted as “proposing legal action” and they were shared with the Group and the public did not have access to those responses. Staff can send these out because they cannot take legal action and they are not a part of the Group.

Hernbrode said no “ratification” is necessary. No action was taken and since the information is now public, nothing else needs to be done.

Hernbrode responded to questions:

1. A Group member may speak to another Group member about a Group issue, but the discussion must not spread to four Group members. That would constitute a quorum.
2. If a Group member wants to share a communication he has received with the Group, he should send it to Staff to distribute to the Group. He may respond directly to the inquiry and he should copy Staff with his response so that it can be included in the record.

From: [ShowLowJohn@aol.com](mailto>ShowLowJohn@aol.com)

Date: July 26, 2011 1:51:00 PM GMT-07:00

To: dpulsifer@azstateparks.gov, d1m2102@cox.net, hrogers54@frontiernet.net, ppfeifer3@cox.net, drfrench@frontiernet.net, thomasmc@sedona.net, bnash@ridenow.com

Cc: rbaldwin@azstateparks.gov, tw@dkwlawyers.com, gursh1spud@aol.com, nsimonetta@krbconsulting.com, jpwaiers@azleg.gov

Subject: Re: Letter to Mr. Toby Johnson

Mrs. Pulsifer,

Thank you for pointing out to Mr. Johnson the time line for the Ambassador Program.

You were correct in pointing out that during the May 21, 2010 meeting a motion raised by Hank Rogers and second by Bob Biegel was unanimously passed to approve the allocation of \$110k to BLM to administer the Ambassador program and another \$75k to be offered through grants to expand the Ambassador Program. As you also stated the Off-Highway Vehicle Advisory Group voted to continue this amount at its May 20, 2011 meeting. The problem as we see it is that State Parks Executive Staff chose to ignore our recommendation and instead recommended awarding \$330,100 against our wishes. My question is why did you even come to us with the proposal in the first place when you knew that if you didn't like our decision you would push through your own recommendation anyway? I know that in Mr. Ziemann's presentation to the State Parks Board he had placed OHVAG's

recommendation for not funding the \$330,100 on the following page. I don't feel that was fair. Another question I have for you is why didn't you or Mr. Ziemann come back to us to discuss the specific issues on your request instead of just passing it through? I have asked Mr. Ziemann on several occasions that if staff disagreed with us on a specific issue that he please contact us so we could discuss the issues in greater detail and hopefully come to an agreement prior to passing them onto the Board. Obviously this hasn't happen. If you recall at our May 20, 2011 meeting the OHVAG members discussed the Ambassador Program request and decided that with the amounts being asked for it would be wise to table the discussion until the next meeting. One of our reasons being that we only received information about this request a few days prior to the meeting and had some confusion about the specifics of the request. As OHVAG does with all of our grant request and funding issues it takes an enormous amount of our time to review these request prior to our meeting. This is why OHVAG voted to extend the previous years amount of funding to the Ambassador Program until we could review your request. Why was it so important for Staff to push through this enormous amount of money for one program instead of granting our wish to take the time to review the request in greater detail? Why didn't Staff place the ten grant request that were approved by OHVAG on the SP Board June agenda? The State Parks Board is now asking me to have OHVAG re-visit these ten grant request, especially the 9th, and 10th rated grants belonging to the State Land Department for the Desert Wells area. As you will remember one of these grants was for \$858,100 and the other was for \$100,000. I have spent the past several weeks reviewing the State Land Department grants for the Desert Wells OHV area as well as all of the letters from the various OHV Groups that were listed as endorsing the grants later to find out that they are totally against these specific grant request. My question to you is why is the State Parks Board and Staff pushing this issue asking for our second review on these grants and then ignoring our decision on the Ambassador Program instead of asking for our second review of that request?

I would appreciate it if you could pass this onto all of the OHVAG members as well as Mr. Johnson.

Respectfully

John Savino

Chairman, Off-Highway Vehicle Advisory Group

In a message dated 7/26/2011 7:57:54 A.M. US Mountain Standard Time, dpulsifer@azstateparks.gov writes:

Copy to OHVAG:

Dear Mr. Johnson

On behalf of the State of Arizona and the State Parks Board, thank you for your email regarding and Off-Highway Vehicle (OHV) Program. I can assure you that the State Parks Board both values and prides the OHV program.

The Ambassador program was developed in 2007 to help land managers show more presence on their public land and promote a positive image for the OHV community.

The program comports with A.R.S. 28-1176(E)(5) -- the OHV recreation fund shall be used for "... environmental education programs, information, signage, maps and responsible use programs ..." The Off-Highway Vehicle Advisory Group (OHVAG) unanimously approved the allocation of \$110K to BLM to administer the Ambassador program on May 21, 2010. The Parks Board accepted that recommendation. In May 2011, the OHVAG recommended that \$110K be used toward this program and the Parks Board adopted the staff recommendation to increase the amount to \$330K for this successful program.

Additionally, we estimate the OHV Recreation fund will accrue \$1.8M over the course of FY 2012 for OHV projects. We look forward to working with the OHV community to allocate these monies to best meet the needs of the community within the statutory limitations.

Please contact Jay Ziemann, Assistant Director of Arizona State Parks at jziemann@azstateparks.gov or 602-542-4174 if you have additional questions.

Renée E. Bahl, Executive Director
Arizona State Parks
1300 West Washington Street
Phoenix, Arizona 85007
phone: 602-542-4174
fax: 602-542-4188
rbahl@azstateparks.gov

-From: Karen Fann [<mailto:KFann@azleg.gov>]
-Sent: Friday, July 22, 2011 6:45 AM
To: Johnson, Toby
Cc: spierce@azleg.gov
Subject: Re:

Dear Mr. Johnson, thank you for writing. I am forwarding your email to Ms. Baier and Ms. Bahl to get their comments and input on this matter. Warmest regards, rep. Karen Fann

Sent from my iPad

On Jul 21, 2011, at 10:35 PM, "Johnson, Toby" <Toby.Johnson@terex.com> wrote:

Dear Rep Pierce & Rep Fann:

The Arizona State Parks Director and the State Parks Board, have decided to ignore their own off highway vehicle advisory board and use monies from both the OHV sticker fund and OHV gas taxes, for purposes only they can determine it was intended for.

Ten percent of the state park service budget now comes from OHV taxes but they don't allow such vehicles to be used in state parks. Further, they don't seem to like motorized recreation or understand the needs of people who do enjoy this activity.

The Parks Department is now using the state's Ambassador Program to funnel OHV monies to groups with self-styled environmental agendas. This is to control how OHV dollars will be spent and control how "responsible off-road vehicle use" is promoted.

As a registered Arizona voter and an avid Off-Highway Vehicle enthusiast, I would ask that you and the legislature take action to move the Off-Highway Vehicle Advisory Group along with the responsibility for managing the state's OHV sticker funds and OHV gas tax funds to another State Agency. I hope you would look for an agency more willing to work with, not against, the OHV Community.

You need only to count the OHVs registered in the state to see what a large voting block we constitute. Also, our trail systems, and what is perceived to be OHV-friendly regulations, bring countless riders to our state. Let's not lose that. We will be grateful for your direct action to fix the current situation.

Below is some information about how our funds are being improperly managed.

From 1989 to 1996 the Off-Highway Vehicle Advisory Group was appointed by the Governor. In 1996 Senate Bill 1271 transferred the duties over to State Parks and SP established the OHVAG as an advisory committee to the Board of Directors. For the most part up until about 2003 things were moving along without many problems. Here is a timeline of what transpired after that:

March 28, 2003 - Governor Napolitano signed HB 2001, Chapter 1, By (special) session law, \$4,000,000 from the OHV Recreation Fund is transferred to the State general fund on or before June 30, 2003 for the purposes of providing adequate support and maintenance for agencies of Arizona. Legislative sweeps of FY 2002-2003 revenues and the current balance of the OHV Recreation Fund, totaling \$4 million, brought the Fund balance to \$0

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*The OHV allocated portion of the State Gas tax (.055% of all gas tax funds received by the State) has been going to the Arizona State Parks operating budget since the year 2003. This is some of the funds that the OHV Community is supposed to be getting to help develop trails and educate the OHV public.

2006 - The State Parks staff in cooperation with BLM, AGFD, and the Tonto National Forest Cave Creek Ranger District developed the OHV Ambassador Program as a pilot project to provide on-site management assistance to land managers. (Please keep in mind that BLM and the Tonto National Forest are Federal Agencies). For the first two years the ambassador pilot program the State Parks staff that was dedicated to OHV issues consisted of four full time staff members. All seemed to be moving along without many problems.

2007 - Things seemed to drastically change. State Parks hired a new Executive Director, Renee Buhal, This new director came from San Diego, Calif. (A not so OHV friendly part of our country).

2008 - There seemed to be a grand exit of employees. Immediately effected was one of the staff members dedicated to OHV issues. As a result the load created by the Ambassador program rested on one of the three remaining staff members. It was then decided by State Parks staff to out source these duties and send our OHV dollars across town to subsidize a BLM (Federal employee) to run the Ambassador program. The original amount of funds sent to BLM was around \$35,000 per year.

2009 - The Arizona State Senate passes SB-1167, formally known as the State Sticker or Decal Program. The way this program works and how the funds are distributed are as follows:

100% of all OHV dollars generated by the State Sticker program goes into a State OHV Recreation Fund that is managed by the State Treasure.

- 30% is automatically taken off of the top and used for various State projects.
- 70% is distributed as follows: 60% State Parks OHV Program. 35% Game & Fish and 5% to the State Land Department.

Out of the 60% that is allocated to State Parks there is 12% automatically taken out for State Parks operating expenses. The remainder of the 60% is then allowed to be used for OHV projects around the State. Even with all these additional funds being made available to State Parks we have seen the staff dedicated to OHV issues reduced from four down to just one.

At the same time we have witnessed the Staff generated "Ambassador Program" grow from subsidizing BLM \$35,000 per year to \$110,000 per year. "All of this was done without any consent of the Off-Highway Vehicle Advisory Group"

May 20, 2011 - At the quarterly OHVAG meeting State Parks presented our group with a proposal to raise the amount being spent on the Ambassador Program to \$330,100 per year. \$163,800 was to fund the Bureau of Land Management (BLM) administration and operation of the OHV Ambassador program for FY 2012. In addition to this another \$166,300 from the OHV Recreation Fund was requested for

grants, agreements and State Parks projects to expand the OHV Ambassador program.

Two of the expansion grants are designated to go to the Community Forest Trust out of Prescott and the Coconino Rural Environment Corps out of the Flagstaff area. (Mind you that when the Ambassador Program expansion was established it is stated that these groups shall be OHV orientated organizations). Neither one of these groups are affiliated with an OHV organization

OHVAG felt that the concept of the Ambassador program is a good concept if run properly but didn't feel that this amount should be spent in this manner.

June 23, 2011 - State Parks ignored our vote and position on this subject and recommended to the State Parks Board to grant the entire \$330,100 of our OHV dollars to the Ambassador Program. The Board passed it 6-0 in favor of Staff recommendation. Along with these issues there were several other issues that the State Parks Board sided with the SP Staffs recommendation.

It actually stands to reason when you think about it. The State Parks Board is made up of seven members. Two are from the Cattlemen's association. One although is considered a member at large is the State Liquor Board Commissioner, One is a Commissioner of the State Land Department, the Chairman is a Criminal Defense Attorney from Phoenix, another is a Businessman from Phoenix and the other is a State Parks recreation advisor. As you can see for yourself not a single Board member represents the OHV Community yet over 10% of their entire operating budget comes from the OHV Community. As you can see millions of OHV dollars have been going to no OHV related funds and what exactly is the OHV Community getting in return?

It has become very evident to me that State Parks, Executive staff, general Staff as well as the State Parks Board views the Off-Highway Vehicle Advisory Group as well as the OHV Community as insignificant and will continue to do as they please with OHV funds.

I feel that it is time to move on and am asking all of the OHV enthusiasts in the State of Arizona to send letters to your State Senators, Representatives as well as the Governor and newspapers. Forward this onto all of your OHV friends you know of that will support us in our effort. (Remember we don't want to see Arizona OHV riding opportunities fade away like they have in California, where the State Parks Director came from). Tell them that their Sticker Fund monies are being controlled by a State agency that views the OHV Community as non existent and in most cases doesn't even let off-highway vehicles ride in their parks. Yet over 10% of their entire operating budget comes from the OHV Community. Tell them that it is our desire to move the OHV Sticker funds along with the States OHV gas tax funds to another State agency that wants us.

Toby Johnson
Regional Field Service Rep.
Terex Corporation

M: (480) 747-4363
F: (425) 882-8363

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From: "Pete Pfeifer" <ppfeifer3@cox.net>
Date: July 31, 2011 10:44:30 AM GMT-07:00
To: "Doris A Pulsifer" <dpulsifer@azstateparks.gov>, <d1m2102@cox.net>, "Hank Rogers" <hr Rogers54@frontiernet.net>, <drfrench@frontiernet.net>, <thomasmc@sedona.net>, <bnash@ridenow.com>, "Nicholas Haris" <nickharis@gmail.com>
Cc: "Renee E Bahl" <rbahl@azstateparks.gov>, "Jay Ziemann" <jziemann@azstateparks.gov>, "Robert Baldwin" <rbaldwin@azstateparks.gov>, "Tracey Westerhausen" <tw@dkwlawyers.com>, <showlowjohn@aol.com>, "Joy Hernbrode" <joy.hernbrode@azag.gov>
Subject: RE: Letter to Mr. Toby Johnson

Mrs. Pulsifer,

Thanks for your responses to Mr. Johnson and Mr. Savino's letters. I'm not sure if one of John's questions was ever answered and it's an important one, "*why didn't you or Mr. Ziemann come back to us to discuss the specific issues on your request instead of just passing it through?*"

It's an important question because it gets to the heart of the matter, if OHVAG recommendations are valued why are they ignored? The OHVAG asked Mr. Ziemann specifically if there was a disagreement within State Parks with one of our recommendations can we be notified of it so we can discuss it further. Mr. Ziemann agree to do just that but in it never happened.

Another issue of concern for me is the Desert Wells OHV area which has turned into another example of communication break down between parties. OHVAG reviewed the project from the standpoint of "is it a viable OHV recreation area?" and found no support for it among user groups. During this research we also found letters of support that were, well, suspect. OHVAG decided from the standpoint of a "OHV recreation area" it wasn't worth investing \$858, 100 into.

I'm not sure why we are being asked to revisit this project. OHVAG's recommendation, if I remember correctly, was to close the area and mitigate any

potential damaged cause by OHV's. Why are we being asked to take a second look at this?

Respectfully,
Pete Pfeifer
ASP Off Highway Vehicle Advisory Group Member

From: Doris A Pulsifer [<mailto:dpulsifer@azstateparks.gov>]
Sent: Friday, July 29, 2011 11:38 AM
To: d1m2102@cox.net; Hank Rogers; ppfeifer3@cox.net; drfrench@frontiernet.net; thomasmc@sedona.net; bnash@ridenow.com
Cc: Renee E Bahl; Jay Ziemann; Robert Baldwin; Tracey Westerhausen; showlowjohn@aol.com; Joy Hernbrode
Subject: Fwd: Letter to Mr. Toby Johnson

OHVAG Members:

The email below is being forwarded to you at the request of OHVAG Chairman, John Savino.

This email was also forwarded to Mr. Toby Johnson, per Mr. Savino's request.

Should you have any questions, please feel free to contact me at 620/542-7127 or my email dpulsifer@azstateparks.gov.

Sincerely,
Doris Pulsifer
Chief of Resources & Public Programs

Begin forwarded message:

From: [ShowLowJohn@aol.com](mailto>ShowLowJohn@aol.com)
Date: July 26, 2011 1:51:00 PM GMT-07:00
To: dpulsifer@azstateparks.gov, d1m2102@cox.net, hrogers54@frontiernet.net, ppfeifer3@cox.net, drfrench@frontiernet.net, thomasmc@sedona.net, bnash@ridenow.com
Cc: rbaldwin@azstateparks.gov, tw@dkwlawyers.com, gursh1spud@aol.com, nsimonetta@krbconsulting.com, [jpweiers@azleg.gov](mailto:jpwaiers@azleg.gov)
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you also stated the Off-Highway Vehicle Advisory Group voted to continue this amount at its May 20, 2011 meeting. The problem as we see it is that State Parks Executive Staff chose to ignore our recommendation and instead recommended awarding \$330,100 against our wishes. My question is why did you even come to us with the proposal in the first place when you knew that if you didn't like our decision you would push through your own recommendation anyway? I know that in Mr. Ziemann's presentation to the State Parks Board he had placed OHVAG's recommendation for not funding the \$330,100 on the following page. I don't feel that was fair. Another question I have for you is why didn't you or Mr. Ziemann come back to us to discuss the specific issues on your request instead of just passing it through? I have asked Mr. Ziemann on several occasions that if staff disagreed with us on a specific issue that he please contact us so we could discuss the issues in greater detail and hopefully come to an agreement prior to passing them onto the Board.. Obviously this hasn't happen. If you recall at our May 20, 2011 meeting the OHVAG members discussed the Ambassador Program request and decided that with the amounts being asked for it would be wise to table the discussion until the next meeting. One of our reasons being that we only received information about this request a few days prior to the meeting and had some confusion about the specifics of the request. As OHVAG does with all of our grant request and funding issues it takes an enormous amount of our time to review these request prior to our meeting. This is why OHVAG voted to extend the previous years amount of funding to the Ambassador Program until we could review your request. Why was it so important for Staff to push through this enormous amount of money for one program instead of granting our wish to take the time to review the request in greater detail? Why didn't Staff place the ten grant request that were approved by OHVAG on the SP Board June agenda? The State Parks Board is now asking me to have OHVAG re-visit these ten grant request, especially the 9th, and 10th rated grants belonging to the State Land Department for the Desert Wells area. As you will remember one of these grants was for \$858,100 and the other was for \$100,000. I have spent the past several weeks reviewing the State Land Department grants for the Desert Wells OHV area as well as all of the letters from the various OHV Groups that were listed as endorsing the grants later to find out that they are totally against these specific grant request. My question to you is why is the State Parks Board and Staff pushing this issue asking for our second review on these grants and then ignoring our decision on the Ambassador Program instead of asking for our second review of that request?

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Please contact Jay Ziemann, Assistant Director of Arizona State Parks at jziemann@azstateparks.gov or 602-542-4174 if you have additional questions.

Renée E. Bahl, Executive Director
Arizona State Parks
1300 West Washington Street
Phoenix, Arizona 85007
phone: 602-542-4174
fax: 602-542-4188
rbahl@azstateparks.gov

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-Sent: Friday, July 22, 2011 6:45 AM
To: Johnson, Toby
Cc: spierce@azleg.gov
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Out of the 60% that is allocated to State Parks there is 12% automatically taken out for State Parks operating expenses. The remainder of the 60% is then allowed to be used for OHV projects around the State. Even with all these additional funds being made available to State Parks we have seen the staff dedicated to OHV issues reduced from four down to just one.

At the same time we have witnessed the Staff generated "Ambassador Program" grow from subsidizing BLM \$35,000 per year to \$110,000 per year. "All of this was done without any consent of the Off-Highway Vehicle Advisory Group"

May 20, 2011 - At the quarterly OHVAG meeting State Parks presented our group with a proposal to raise the amount being spent on the Ambassador Program to \$330,100 per year. \$163,800 was to fund the Bureau of Land Management (BLM) administration and operation of the OHV Ambassador program for FY 2012. In addition to this another \$166,300 from the OHV Recreation Fund was requested for grants, agreements and State Parks projects to expand the OHV Ambassador program.

Two of the expansion grants are designated to go to the Community Forest Trust out of Prescott and the Coconino Rural Environment Corps out of the Flagstaff area. (Mind you that when the Ambassador Program expansion was established it is stated that these groups shall be OHV orientated organizations). Neither one of these groups are affiliated with an OHV organization

OHVAG felt that the concept of the Ambassador program is a good concept if run properly but didn't feel that this amount should be spent in this manner.

June 23, 2011 - State Parks ignored our vote and position on this subject and recommended to the State Parks Board to grant the entire \$330,100 of our OHV dollars to the Ambassador Program. The Board passed it 6-0 in favor of Staff recommendation. Along with these issues there were several other issues that the State Parks Board sided with the SP Staffs recommendation.

It actually stands to reason when you think about it. The State Parks Board is made up of seven members. Two are from the Cattlemen's association. One although is considered a member at large is the State Liquor Board Commissioner, One is a Commissioner of the State Land Department, the Chairman is a Criminal Defense Attorney from Phoenix, another is a Businessman from Phoenix and the other is a State Parks recreation advisor. As you can see for yourself not a single Board member represents the OHV Community yet over 10% of their entire operating budget comes from the OHV Community. As you can see millions of OHV dollars have been going to no OHV related funds and what exactly is the OHV Community getting in return?

It has become very evident to me that State Parks, Executive staff, general Staff as well as the State Parks Board views the Off-Highway Vehicle Advisory Group as well as the OHV Community as insignificant and will continue to do as they please with OHV funds.

I feel that it is time to move on and am asking all of the OHV enthusiasts in the State of Arizona to send letters to your State Senators, Representatives as well as the Governor and newspapers. Forward this onto all of your OHV friends you know of that will support us in our effort. (Remember we don't want to see Arizona OHV riding opportunities fade away like they have in California, where the State Parks

Director came from). Tell them that their Sticker Fund monies are being controlled by a State agency that views the OHV Community as non existent and in most cases doesn't even let off-highway vehicles ride in their parks. Yet over 10% of their entire operating budget comes from the OHV Community. Tell them that it is our desire to move the OHV Sticker funds along with the States OHV gas tax funds to another State agency that wants us.

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4. Roles and statutory responsibilities of the OHVAG. – State Parks Counsel will review the statutory and policy roles and responsibilities of OHVAG and the protocols for working with staff and the Parks board. This discussion will include information about the origins and responsibilities of OHVAG, information regarding the funds and grant requirements, and information regarding other constraints on and expectations of advisory group members.

Hernbrode went through Attachment C4A and expanded as follows:

State Park Board includes Staff.

Rogers wanted the record to indicate that a large portion of the fuel tax money in the fund has been taken for non-OHV uses.

Savino asked about the use of their percent of the OHV Rec Fund, why it doesn't allow an OHV sticker holder to camp, etc. Statute was written to only allow crossing State Trust Land on designated routes.

Savino heard that the Parks Board petitioned the Legislature to give them the \$692,100 from the OHV Rec Fund that they have been receiving for the last ten years. Hernbrode refuted that claim.

Rogers asked for the exact reference in the OHV statute that states that preference should be given to projects that include mitigation or meet a large number of purposes. [A.R.S. §28-1176 H]

Savino emphasized that he is representing the "Off-highway vehicle user community" in the State of Arizona, not all Arizonans. Hernbrode refuted that claim. All Group members have

expertise and are exposed to input from specialized groups. As Group members it is your responsibility to make decisions in the best interest of all Arizonans.

The Group expressed frustration and dissatisfaction with Staff because OHVAG's decisions were not accepted by Staff or adequately conveyed to the Parks Board. Staff did not discuss the reasons they disagreed with the Group before presenting their own recommendation to the Parks Board.

Savino asked for a definite answer as to who controls the money that State Parks gets from the OHV Rec Fund (other than the 12% administrative portion). What can State Parks do with it?

The money is appropriated to the State Parks Board to use according to the statutorily approved purposes.

Savino referred to minutes from the January 2010 Park Board meeting where Director Bahl referenced using \$1.5 million from the OHV Rec Fund for State Parks operation.

Ziemann put the statement in context. At that time the Governor directed State Parks to examine all available funds that could be re-appropriated by the Legislature or Governor to keep state parks operating. At that time Parks had money in about twelve funds with statutory dictates on how they could be used. It was an exercise we were required to do and the money could only be used for state parks operations if the Governor or Legislature changed the law. Twelve funds were identified. State Parks did not recommend that any of the funds be converted because there would be tremendous fallout in any decision. None of the funds were converted to State Parks dollars (except maybe some money from the Law Enforcement and Boating Safety Fund).

Rogers asked that the Group be notified anytime discussions involving the OHV Rec Fund are going to take place at a Parks Board meeting. Finding out second hand creates distrust.

Pfeifer stated that after this presentation he feels no more connected to the Parks Board than he was before. If they truly value our opinions, they need to call us and create dialog about OHV issues.

Savino emphasized the need to have more than the five minutes he has been allowed at the Parks Board meetings to express the Group's position on issues of importance to them.

Rogers moved that John Savino, Chair of the OHVAG write a letter to the Chair of the State Parks Board requesting the when off-highway recreational issues are on the agenda that a designated member of OHVAG be given a reasonable amount of time in excess of the normal three to five minutes to discuss OHVAG's position on those issues.

Nash seconded. Passed unanimous.

5. Reconsider the High Priority Sticker Fund Program Projects that were not recommended for funding at the May 20, 2011 OHVAG meeting – The Parks Board Chair has asked OHVAG to reconsider its actions on the Sticker Fund recommendations for funding, which it originally considered on May 20, 2011.

Savino explained for the new Group member that prior to the May 20 meeting, all OHVAG members have access to the project applications for about 30 days and had reviewed the application and determined their priorities. At the meeting the project sponsors were all allowed to make a presentation for their project. As the meeting was running late and the Group had to leave the building, seven of the projects were approved for funding. The

projects that were not recommended included a Game and Fish Dept request for funding for 10 UTV's, a request from the State Land Department for \$858,000 for a mitigation project at Desert Wells, and another State Land Dept project also at Desert Wells for \$100k. Jody Latimer, State Land, was then allowed to make her presentation.

Latimer stated that the Desert Wells Work Group has met since the May 20 meeting and discussed the grant application. They suggested that the access road grant be presented for consideration today and that the mitigation grant be tabled until some further research could be done.

Pfeifer asked who attended the work group meeting and if they now have user group support for the project.

Latimer stated that the work group was formed under a memorandum of understanding with the ranchers, local user groups (OHV Coalition & AZ Trail Rides), and Game and Fish and State Land Depts.

Savino stated that some of those groups have provided letters to Staff indicating that they were not aware of these projects and did not support them.

Latimer stated that this work group does not meet regularly. In August 2010 State Land presented the proposals for three different grants in the Desert Wells OHV Areas including the two that were presented in May. After that meeting supporting signatures were solicited from the work group members and there is email documentation for that effort.

Bill Nash, OHVAG member, had employees representing his business RideNow as a partner in that effort and reported that the information provided at that time was not specific to the dollar amounts and what exactly would be done. He only recalls being asked to support improvements in general for the area.

Latimer agreed that the dollar amounts were not specified.

Rogers quoted Sandy McCullen from the May 20 meeting regarding the area being unmanageable and not as desirable as it once was because it has been separated into two pieces that are inaccessible from each other.

Latimer pointed out that lots of people still ride there whether they are in groups or not and the work group is still committed to making it a viable riding area.

McCullen represents the Arizona Off-Highway Vehicle Coalition and Arizona Assn of 4-wheel Drive Club. She verified that the quote was correct, but neglected to include that some of those same partners who originally founded the work group now think the area should be closed. Efforts should be focused on opening a new area across the highway to the east where the trails have been inventoried with OHV Rec Fund money, the rancher is somewhat inactive, and the area is not divided and can be managed. The original purposes identified for Desert Wells are not there anymore.

Jeff Gursh represents the Arizona Off-Highway Vehicle Coalition and the AZ Trail Riders. The State Land Dept came to our groups and asked us to help manage the Desert Wells area for OHV use because it was overrun with dumping, raves, and other unauthorized uses. It took two years to clean the place up before we could even consider identifying trails. When that did happen we tried to use the existing routes on the ground created by the ranchers. These led to his improvements, corrals and water tanks. They were not designed for OHV recreation. In 2007 the gravel mining began which split the remaining usable section. They became overused and hard to manage. He read from a letter written

to Tim Holt, AGFD in Sept 2010 indicating that AOHVC and ATR no longer supported trying to manage the area and, in fact, felt that the inability to manage the area would lead to a black eye for the OHV community and loss of future similar opportunities. His group acknowledged that the improvements proposed in the State Land project applications did meet the requirements of the OHV statute, but the cost and futility of the effort do not justify them.

Latimer in response agreed that the work group no longer supports the large investment in the mitigation project and that project is off of the table now. All of our land has some sort of permitted use going on and we strive to promote compatible uses.

Savino – Stated that his issue is that the grant you submitted in May shows endorsements that are not substantiated. He also brought up an incident at the site of the proposed improvements where a person was seriously injured by running into cable barriers and the cables are still in place.

Gursh verified that the cable situation has been remedied.

Latimer denied any impropriety in providing the supporting signatures on the application and conceded that there was a communication gap. She stated that the work group now supports the revised application for slightly less than the original \$100k.

Rogers asked Latimer for her opinion on the proposal to move the area as suggested by McCullen and Gursh.

Latimer stated that the development of homes in Desert Wells is not projected until 2075 and she would have to defer to the Commissioner on any plans for the area across the road. Failure to successfully manage the existing area would not encourage expansion to a new area.

McArthur asked that if a management plan could be developed to save Desert Wells, would this project be part of phase one?

Gursh – No.

Savino tabled action on project grants until a meeting to be scheduled in September.

Approx 2:30pm - Jimmy Simmons, AGFD, was acknowledged on the phone. He agreed to present the grant in September with options for funding the project in phases.

6. Staff will present and OHVAG will discuss a DRAFT OHV Project Evaluation Form. – At the request of an OHVAG member staff has developed a project evaluation form that provides a quantitative analysis of projects based on the priorities for project selection identified in the off-highway vehicle statute A.R.S. §28-1176(H) and the State Trails Plan. OHVAG may suggest additions, deletions and/or changes to the form and will determine how and if it will be used in the project selection process.

Item was tabled.

Ziemann emphasized that this is a tool that OHVAG can modify and use as it wishes. He suggested that the Group take action to set a funding limit for the sticker fund projects.

Savino said he thought there was a limit

Baldwin explained that the \$100k limit was set for the first phase of the Sticker Fund Project Selection Program because the projects were supposed to be completed within one year. The second phase raised that limit to \$150k. Now we are asking project sponsors to tell us

when they plan to complete the project and then holding them to that date. There has been no limit in the third phase. We are also trying to use the federal Recreational Trails Program money.

7. OHVAG will discuss the recent actions taken by the Parks Board – Board actions included:

a) Consider policy on travel reimbursement for FY 2012 for the Arizona State Parks Board and all of its Advisory Committees. - The Board approved to suspend indefinitely all travel reimbursement for the Parks Board and all of its Advisory Committees, due to the budget crisis and to review on an annual basis.

NOT DISCUSSED.

b) Consider recommendations for Off-Highway Vehicle (OHV) Recreation Fund allocation in FY 2012. –

1. The Board approved to allocate up to \$50,000 to be used for website enhancements related to the Off-Highway Vehicle (OHV) programs.

2. The Board approved to allocate \$163,800 for the Ambassador Program for the Bureau of Land Management (BLM) to fund administration and operation of the OHV Ambassador Program for FY 2012.

3. The Board approved \$166,300 for grants, agreements and State Parks to expand the OHV Ambassador Program.

4. The Board approved to allocate the remainder (estimated \$1.8 million) of the FY 2012 funds in the OHV Recreation Fund, as the funds become available, for high priority projects as defined in the 2010 State Trails Plan (referred to as the “Sticker Fund Project Selection Program).

See Attachment C7b – Savino was in attendance at the June 23 Parks Board meeting emphasized to the Parks Board that OHVAG only received the budget proposal (i.e., Ambassador Program funding) recommendation a few days before the meeting. He also stated that the travel reimbursement was not just for meetings, but to promote the “sticker program” around the state.

Rogers is concerned that users and groups are not stepping up to support the Ambassador Program and that it should expand only when the groups are ready to take it on. The Parks Board needs to ask the question of why they aren't stepping up. Maybe the program needs to be tweaked to make it more attractive.

Pfeifer stated that the original expansion was three grants for \$25k each. Why does staff now think they need \$330k to expand the program?

Pulsifer stated that because of the success of the program in the Phoenix area, the planning team was trying to offer the program in other locations around the state.

Savino – We all agree that the concept of the Ambassador Program is a great concept. Why did State Parks feel they needed to go against our recommendation and push through funding for the Ambassador Program?

Ziemann reminded the Group that when their recommendation differs from the Staff recommendation, the Board wants both recommendation presented so that they can make a decision.

Savino – The playing field is not level when I am only allowed five minutes to discuss all of the issues affecting OHVAG and you get to take as much time as you wish in explaining the Staff recommendations. Why did you feel it necessary to push through the Ambassador funding against our recommendation?

French – The presentation to the Parks Board was bias. The Staff recommendation prominently positioned and explained to the Parks Board and then on the next page one little paragraph appears stating the OHVAG recommended a different amount.

Savino – What are we missing in our relationship with Staff that is keeping opinions and desires from being presented to the Parks Board in a favorable manner?

Ziemann stated that the OHVAG recommendation was presented to the Parks Board and they were aware that there was disagreement before they made any decision. Part of the problem was hopefully addressed by Joy (Hernbrode) earlier in that the OHVAG motions need to be more descriptive and include reason supporting the recommendation. You were not clear on what would be done with the difference in money between the two proposals.

Moore – That's not correct. We recommended providing funding for the BLM portion of the program at the same level as last year and wanted to table any decision on spending additional money for expansion until we could investigate the costs.

Pfeifer – What's the rush?

Ziemann – Possibly we need to start discussing budget items earlier in the year. Our year starts July 1. The Parks Board meets in June to approve our budget before the new year starts. We need your input on the budget items that affect you before we prepare our presentation to the Parks Board. That's why we bring this information to you in May. He went on to explain the broad authority that was bestowed upon OHVAG in June 2010 to select projects and get the OHV Rec Fund money on the ground.

French – Why is the Ambassador Program broken out from the grants and given carte blanche approval to spend \$330k as it wishes? What happened to our involvement in spending that money?

Rogers – Asked Ziemann to explain his comments in Attachment C7E that “there is an OHV problem”. He was offended that Ziemann would infer that OHVAG has been ineffective in identifying and resolving those problems.

Ziemann – What I hope I conveyed at that meeting was that the reason we have funds now, both from the 1988 legislation and the recent “sticker fund” enhancements, was

because there was an OHV problem out there that was not being addressed. And since these funds have become available Staff and OHVAG have done a commendable job of addressing those problems. I hope no one else got the impression that Rogers did. That was certainly not my intent.

Rogers exited meeting approx 4pm. Quorum still exists.

Hernbrode pointed out that the minutes from the May 20 meeting only indicate that you approve funding in the amount of \$110k to continue the BLM portion of the program. Your motion does not indicate that you intend to consider any other funding for the Ambassador Program. Just because that topic was mentioned in the minutes by several Group members during the discussion, that does not constitute a definitive action that will be taken by the Group.

Savino – Back to the French's question of why is State Parks pushing the Ambassador issue without waiting to this Group's recommendation?

Baldwin explained that the Ambassador Program was developed by State Parks Staff in cooperation with the BLM, Forest Service, Game and Fish, and user groups to provide on-site management assistance for the land managers at OHV use sites. Once the program was up and running one of the State Parks Staff (Troy Waskey) left for another job. Funding was provided for BLM to house a program coordinator in their Phoenix office since that was one of the pilot sites. He (Chris Gammage) took over day-to-day operation of the program with oversight by State Parks Staff. During the budget problems of 2009 the other State Parks Staff person (Amy Racki) also left for another position.

Savino – I agree with you up to there. So where did Marge Dwyer come from? We don't remember agreeing to fund a half position? We also approved \$75k for three separate grants for expansion of the program. How did that become \$75k for State Parks to use as it wishes? Who gave you the authority to take the \$50k that was not awarded to groups and go out and buy trailers and look for other groups to run the program?

Ziemann – The Board gave authority to spend up to \$75k to expand the Ambassador Program.

Savino argued that the Board specifically authorized the \$75k for three grants of \$25k to be awarded to groups.

Ziemann reiterated that it was blanket authority to spend \$75k to expand the Ambassador Program. Throughout the history of this program we have always had more money available for projects than we were able to award. For Staff to use the extra money left over from unsolicited grants, it was never going to limit the number of projects we would be able to fund. (As a side note, we have never had grant requests for an amount like what the Land Dept asked for. I highly recommend you look at putting some kind of cap on grant requests in the future.)

Mrs. Savino – As a member of the White Mountains Open Trails Association I was present when Bob Baldwin made a presentation to our group stating that there were three \$25k grants available.

French – So now you have \$330k that you can spend as you wish without coming back for our review?

Ziemann – We won't enter into any of these Ambassador agreements without coming back to you. We will communicate with you on where these Ambassador funds are going. We will schedule an Ambassador Program presentation at a future meeting.

Pfeifer – We are all in favor of expanding the OHV Ambassador Program. We were never introduced to the CREC group. We knew nothing about them. Now other groups that want to work with the program have to go through them and they may not know them.

Rebecca Antle (former OHVAG member and member of AZ State 4-wheel Drive Assn) – Between Sandy McCullen and I, we represent 15-20k users around the state. We have to answer to those people about the use of the OHV Rec Fund. We have to explain why the money was spent the way it was spent even when the Parks Board makes decision against the recommendation of our user representatives.

Jeff Gursh – Part of the problem we have is that the public does not know you (OHVAG) exist. We are trying to inform the public when projects are funded by putting special signs in the project area. Also, the user groups need more information about the Ambassador Program so they can decide if they want to be involved. Staff agreed to find a way to fund the stickers that Gursh has developed to identify "sticker fund" projects.

The discussion moved to the eligibility of the AOHVC to receive sticker funds. Staff explained that if they met the eligibility criteria for a grant program, they could receive funds. However, because they would not be using the funds to develop property that they own, there are some legal issues regarding term of public use and agreements with the landowner that need to be resolved.

c) Consider appointment of members to the Off-Highway Vehicle Advisory Group (OHVAG). - The Board approved the appointment of new members, Bill Nash and Thomas McArthur to serve until December 21, 2014.

d) Consider submitting a request to the Governor's Office to meet Arizona State Parks' financial needs in FY 2013. – The request was for an additional \$25 million and would, in part, restore the award of grant monies in accordance with statute (Law Enforcement Boating Safety Fund and Off-Highway Vehicle Recreation Fund).

D. REPORTS

1. Staff Reports – are attached and address the following subjects:

a. Update on status of web/OHV information position.

Pulsifer said we are still collecting suggestions for the specification for this position.

b. Update on status of first annual report to the legislature on the use of OHV Recreation Fund money.

We will be submitting a draft to you. The final version will be available on the State Parks website as public record.

2. OHV Program Partner Reports – may be provided at the meeting and will address the following subjects:

a. Bill Gibson, BLM Arizona State Office, will provide a verbal update to the Group on the status of the various field offices' Travel Management Planning.

Gibson – Arizona Strip District plan should be out in 6-9 months. Safford FO has two plans there are working on. The Gila River National Conservation Area plan should be out in a final version this fall. The Arivaipa plan is still in the scoping process. Hassayampa FO plans includes Wickenburg and Hieroglyphic Mtns will be out the fall. Hassayampa FO is working with Maricopa County on a plan for the area north of Lake Pleasant. It is important that users participate in the planning process by providing feedback when a plan is out for review. Gibson introduced Jen House as the new Travel Management Coordinator for the Colorado River District. The La Posa and Kofa Plans will be out for comment this fall and final in the spring.

Myron McCoy, Rec Planner for the Lake Havasu FO, the plan for the area around Lake Havasu has received tremendous response (2230 comments). They are hoping to have final plan out next spring. The Standard Wash Open OHV Area should come into fruition within the next year.

Savino – State Parks has provided funds for the Standard Wash area and we are anxious to see that area open. The public in that area is very unhappy with the results they see from your office. We have money available and you need to start using it at Standard Wash.

Jen House stated the her prime emphasis since starting four months ago has been to get information out to the public about the importance of the TMP and why it takes so long.

Savino suggested Don French, OHVAG member from Kingman, contact her and stay on top of developments in that area. He also encourage House to work with Richard McGill, AZ Sunriders ATV Club, on getting their proposed trail system on the ground.

b. Arizona Game and Fish Department may not be in attendance and provided the following: The Arizona Game and Fish Department's on-line OHV decal renewal notice program is up and running. The paper renewal notices now have verbiage on them that directs people to the following link to sign up to receive the notice by email instead of USPS mail: <http://azgfdeservices.com/ohvlogin.aspx>.

Jim Harken, AGFD PIO was present to make the presentation and also announced a one-day OHV enforcement workshop for October 26.

E. CALL TO THE PUBLIC – During the public meeting OHVAG may afford any person the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally. Those wishing to address the Group must register at the door and be recognized by the Chair. Each presentation will be given approximately five minutes if time permits. It is probable that each presentation will be limited to one

person per organization. Action taken as a result of public comment will be limited to directing staff to study or re-schedule the matter for further consideration at a later time.

Persons representing agency partners may address the Group on issues regarding OHV projects, the OHV Ambassador Program, or other agency matters.

Sandy McCullen (tape was hard to understand/hear) encouraged the Group, Staff, and Parks Board to work together to see that the money gets spent and act responsibly to see that the fund continues.

Jeff Gursh offered to escort Group members to project sites.

F. TIME AND PLACE OF NEXT MEETINGS - OHVAG will meet on the following date:

1. Additional meeting in early September to consider new project requests. The time and place to be determined with Chair.
2. Friday, October 21, 2011 at 1:00 p.m. Location: Pima Motorsports Park, Tucson, Arizona

Date will be set to discuss grants in September (16th recommended), then a final meeting for the year will be scheduled in October in Kingman. Pending issues include filling the two vacancies coming up in the Group at the end of this year.

G. ADJOURNMENT

Pfeifer moved to adjourn. Moore seconded. Approved unanimous at 5:15pm.